

**REMARKS**

In the foregoing, Applicants restricted the application to the Group I claims and elected Species 1 of that group for prosecution. Applicants now set forth arguments in support of their contention that the restriction and election requirements should be withdrawn.

**A. ARGUMENT IN SUPPORT OF TRAVERSAL OF RESTRICTION REQUIREMENT**

In response to the restriction requirement, Applicants have restricted the application to the Group I claims (i.e., claims 18-36, 45-81 and 91-93) with traverse. The Group II claims (i.e., claims 37-44 and 82-90) are thus withdrawn provisionally.

Applicants respectfully request that the Examiner reconsider the restriction requirement he imposed. The claims of Group I pertain to a coil for use with a magnetic resonance imaging (MRI) system to form images of the body. The claims of Group II pertain to a method of designing such a coil. Applicants request rescission of the restriction requirement because further examination of the subject matter claimed in the application will most likely involve the same classifications and/or fields of search in order to be complete.

**B. ARGUMENT IN SUPPORT OF TRAVERSAL OF ELECTION REQUIREMENT**

Further, in response to the requirement to elect species, Applicants have provisionally elected with traverse to prosecute the claims directed to Species 1 of Group I. In other words, Applicants have elected to prosecute claims 18-36, 46-60, 62-76 and 77-81.

Contrary to the Office Action in which the Examiner stated that "no claim(s) are [currently] deemed generic," Applicants believe that independent claim 46 is indeed generic, at least with respect to claim 61. Specifically, M.P.E.P. §806.04(d) requires that:

*[A] generic claim should include no material element additional to those recited in the species claims, and must comprehend within its confines the organization covered in each of the species.*

\* \* \*

*For the purpose of obtaining claims to more than one species in the same case, the generic claim cannot include limitations not present in each of the added species claims. Otherwise stated, the claims to the species which can be included in a case in addition to the single species must contain all the limitations of the generic claim. (emphasis added)*

Independent claim 46 of Species 1 is not only generic to the other claims of that species but also to claim 61 of Species 3. Specifically, claim 46 recites a coil having: (1) a plurality of conductive members each having linear and tapered portions; (2) the conductive members arranged to form first and second openings having first and second diameters, respectively, with the second diameter different from the first diameter; and (3) the tapered portions providing the coil with a substantially homogeneous pattern of magnetic flux density in at least one of three orthogonal imaging planes of the coil. Claim 61 recites a coil having those very same elements and one additional element (i.e., the "at least one additional coil" with which it forms an array).

Consequently, as required by M.P.E.P. §806.04(d), independent claim 46 includes no material element additional to those recited in

claim 61 of Species 3. In other words, claim 61 of Species 3 contains all the limitations of claim 46 of Species 1. The generic claim (here claim 46) thus does not include any limitations not present within claim 61, as is also required by M.P.E.P. §806.04(d). Claim 46 thus qualifies as being generic to claim 61 of Species 3.

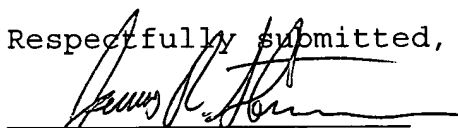
Because of this election, claims 45 and 91-93, and perhaps claim 61, will not be considered, at least initially. Assuming a claim generic to one or more species is deemed allowable in the upcoming prosecution, Applicants shall seek consideration of the claims directed to the non-elected species, as is their right under 37 C.F.R. §1.141.

Similarly, if the restriction requirement is not withdrawn, it is anticipated that Applicants will file a divisional application directed to the claims of the non-elected invention of Group II.

#### CONCLUSION

If the Examiner has any questions regarding this *Response To Restriction And Election Requirements*, he is invited to call the undersigned at the telephone number listed below.

Respectfully submitted,

  
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